

REMARKS

Claims 26-52 remain in this application. Claims 1-25 have been cancelled without prejudice to their subsequent reinstatement. Claims 26-52 have been added. The Applicant respectfully requests reconsideration of this application in view of the above amendments and the following remarks.

Drawings

Applicant submits herewith formal drawings to replace the informal drawings initially filed with the application.

35 U.S.C. §103(a) Rejection - Koji

The Examiner has rejected claims 1-25 under 35 U.S.C. §103(a) as being unpatentable over Japanese Publication No. 11-312030 issued to Koji (hereinafter referred to as "Koji"). Claims 1-25 have been cancelled. The Applicant respectfully submit that the present claims are allowable over Koji.

Claim 26 recites a method comprising "*receiving a representation of a network processing load associated with a plurality of clients; and selecting one of a plurality of operational power consuming states for a processor of a server based on the representation of the network processing load*". Koji does not teach or suggest these limitations. In particular, Koji does not teach or suggest selecting one of a plurality of operational power consuming states for a processor of a server based on the representation of the network processing load.

Koji discusses a system capable of controlling **power on/off** of on demand server (see e.g., Title, Abstract). As understood by Applicant, the on-demand server is alternatively turned on or turned off. There is no teaching or suggestion

of selecting one of a plurality of operational power consuming states for a processor.

For at least these reasons, **claim 26** is believed to be allowable over Koji. **Claims 27-32** depend from claim 26 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Claim 33 is a Beuregard-type claim that is believed to be allowable for similar reasons to those discussed above for claim 26. **Claims 34-38** depend from claim 33 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Claim 39 is directed to a server that is believed to be allowable for similar reasons to those discussed above for claim 26. **Claims 40-43** depend from claim 39 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Claim 44 recites a method comprising “*determining a representation of a network processing load based at least in part on a number of client connections to a server and types of the connections to the server; and selecting a power state for a processor of the server based on the representation*”. Koji does not teach or suggest these limitations. In particular, Koji does not teach or suggest determining a representation of a network processing load based at least in part on types of the connections to the server.

Koji discusses a system capable of counting the number of connections of terminals or set top boxes (see e.g., paragraph [0010]). The power on/off of the on-demand servers is controlled based on the number of terminals or set top boxes under operation. As understood by Applicant, there is no teaching or suggestion

for selecting a power state based on a representation that is based at least in part on **types** of client connections to a server.

For at least these reasons, **claim 44** is believed to be allowable over Koji. **Claims 45-48** depend from claim 44 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Claim 49 is a Beuregard-type claim that is believed to be allowable for similar reasons to those discussed above for claim 44. **Claims 50-52** depend from claim 49 and are believed to be allowable therefor, as well as for the recitations independently set forth therein.

Initialization Of IDS References

As a final matter, the Examiner did not indicate that the Foreign Art references filed on March 19, 2004 were considered and made of record by initialing the corresponding boxes on the PTO-1449 form. In the Office Action, there was no indication that these references were not in conformance with MPEP 609. Consequently, the Applicant respectfully requests that the Examiner indicate these references have been considered and made of record by the initialing the foreign references on page 1 of the PTO-1449 form submitted March 19, 2004 and return a copy thereof to the Applicant with the next Office Action.

Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicant respectfully requests that the rejections be withdrawn and the claims be allowed at the earliest possible date.

Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

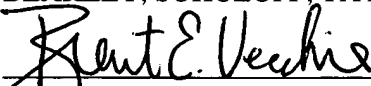
Request For An Extension Of Time

The Applicant respectfully petitions for a one-month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). A check is enclosed for this purpose.

Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Date: 12-8-04

Respectfully submitted,
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